

Appl. No. 09/893,032
Amtd. Dated July 3,2003
Reply to Office Action of March 5, 2003

Attorney Docket No. 81784.0239

REMARKS/ARGUMENTS

Claims 1-6 are pending in the application. By this Amendment, claim 3 is being amended to improve its form. No new matter is involved.

In paragraph 3 on page 2 of the Office Action, the title is said not to be descriptive, and a new title is required. A suggested new title is then set forth therein. In response, Applicant is replacing the title with the new title as suggested. Such new title is clearly indicative of the invention to which the claims are directed.

In paragraph 5 on page 2 of the Office Action, claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, it is said to be unclear how the memory can be used entirely for either decoding the CD-ROM data or for storing the audio data, when in claim 1 it is set forth that both types of data (decoding data and audio data) are stored in the same memory. The recitation in claim 3 relates to the feature in accordance with the invention which is described in paragraph [0030] of the present specification. In accordance with such feature "For CDDA reproduction, the CDDA data is written into and read from the approximately entire area of the external memory 16, while for MP3 reproduction, CD-ROM data is written in and read from approximately the entire area of the external memory 16." In view of this, claim 3 is being amended to further define claim 1 by reciting "wherein for audio data reproduction, the audio data is written into and read from approximately the entire area of said memory, and for CD-ROM data reproduction, the CD-ROM data is written into and read from approximately the entire area of said memory". Therefore, claim 3 as amended should now be clear and definite.

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In paragraph 7, which begins on page 3 of the Office Action, claims 1, 2, and 5 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 2002/0001267A1 of Lee. In reviewing the Lee publication, it is noted that such published application has a filing date of April 16, 2001, which is subsequent to the June 30, 2002 priority date of the present application. Paragraph 1 on page 2 of the Office Action sets forth acknowledgement of Applicant's claim for foreign priority under 35 U.S.C. § 119(a)-(d), and notes that the certified copy was filed on June 27, 2001. To perfect such claim, Applicant is enclosing a translation of the priority document.

Therefore, applicant has perfected the priority claim in timely fashion under 35 U.S.C. § 119 and pursuant to MPEP 706.02(b)(E) and (F). Consequently, Lee is not prior art against the present application and should be withdrawn. Such action is respectfully requested.

With the removal of Lee as a reference, claims 1-3 and 5 should be allowable in addition to claims 4 and 6. Therefore, reconsideration and allowance are respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6846 to discuss the steps necessary for placing the application in condition for allowance.

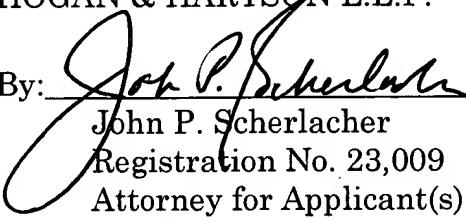
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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: July 3, 2003

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